

Remarks

The Applicant respectfully requests entry of the above amendments, and consideration of the application, as amended. By this amendment claims 1-64 were canceled and new claims 65-83 were introduced.

As discussed in a phone conversation between Examiner Charles Phillips and the Applicant's undersigned Agent on September 29, 2005, the Applicant wishes to reintroduce the claims submitted with the response filed on December 14, 2005 for consideration at this time. Claims 65-83 introduced above correspond to then pending claims 21-30 and 43-52, with amendment, submitted on December 14, 2005.

The Applicant acknowledges with appreciation Examiner Phillip's assistance in advancing this application to allowance.

With regard to the relationship of this application with its parents, as described in the Preliminary Amendment filed with the application on July 17, 2003, this application is a divisional application of application 10/268,371 filed on October 10, 2002, which is a continuation-in-part application of U.S. application 09/834,260 filed on April 12, 2001, now U.S. Patent 6,467,103.

Claims 65-83 are now pending in this application.

Response to Communication

In the above-referenced Communication, the Patent Office deemed the Response filed on July 8, 2005 not fully responsive to the prior Office Action because of the following omissions:

- (1) the reply fails to comply with section (b) of 37 CFR 1.111; and
- (2) the reply is silent with respect to the election of species of the newly presented claims.

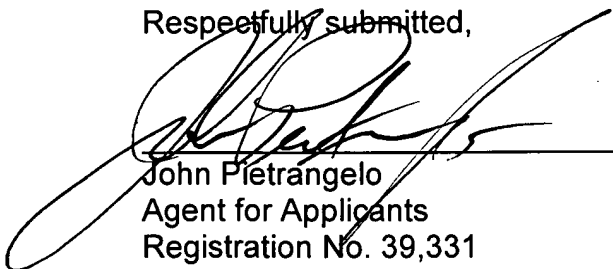
Application No.: 10/621,749
Amendment dated October 24, 2005
Reply to Communication of August 26, 2005

In response to item (1), the Applicant notes that the previously pending claims 21-48 were rejected as anticipated and/or obvious by what is disclosed in U.S. Patent 4,715,546, of Kvalvik [herein "Kvalvik"] or obvious in view of what is disclosed by Kvalvik combined with teachings of U.S. Patent 4,575,882 of Diamond [herein "Diamond"]. The Applicant submits that the above amendments distinguish the claimed invention from what is disclosed, taught, or suggested by Kvalvik and Diamond individually or in combination. Specifically, the Applicant submits that Kvalvik and Diamond do not disclose, teach, or suggest that the electronic speaker may be located below the upper rim of the housing.

With respect to item (2), the Applicant elects the species of Figure 9 for examination. This election is consistent with the species elected in the response file on June 24, 2004.

The Applicant believes that the application is in condition for allowance. An early and favorable action on the merits of the application is requested. If a telephone conference would be of assistance in advancing prosecution of the subject application, the Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



John Pietrangelo
Agent for Applicants
Registration No. 39,331

Dated: October 24, 2005.

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579